

No. 2:24-cv-02933
Chief Judge Lipman
Magistrate Judge Pham

quickly, without waiting for a response from Plaintiffs, so that General Skrmetti can timely exercise his right to seek emergency relief from the Sixth Circuit. If no stay issues by the afternoon of December 31, 2024, General Skrmetti intends to file a motion to stay in the Court of Appeals.

A stay pending appeal is warranted for multiple independent reasons.

First, the Court should grant a stay because the Pornographers unreasonably delayed in bringing their action and their request for preliminary relief.

Second, the Court should grant a stay to avoid creating a conflict with Supreme Court and Seventh Circuit precedent allowing similar age-verification laws to take effect.

Third, the Court should grant a stay based on a proper balancing of the traditional stay factors. Even assuming this Court thinks the Defendant is unlikely to succeed on the merits, *see* Dkt. 38 at 861, it can and should enter a stay. District courts oftentimes stay their own injunctions. *E.g.*, *George v. Hargett*, 879 F.3d 711, 715 (6th Cir. 2018); *Texas v. United States*, No. 4:18-cv-00167-O, Doc. 221 (N.D. Tex. Dec. 31, 2018). They do so because, even though *they* rejected the movant's arguments, they recognize that those arguments present serious questions that the appellate court could see differently. This serious-questions standard is easily met here. These serious questions, coupled with the irreparable harm to Tennessee and its children, warrant a stay.

In any event, the Court should limit the breadth of its injunction. Even for overbreadth claims, injunctive relief must be limited to providing the plaintiffs relief for the allegedly unconstitutional applications of the PTMA.

At minimum, this Court should enter an administrative stay of its injunction until the Sixth Circuit decides the forthcoming emergency motion to stay this Court's injunction pending appeal.

In support of its motion to stay, Defendant Skrmetti relies on the accompanying memorandum of law, which is incorporated herein by reference.

Respectfully submitted,

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/s/ J. Matthew Rice

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CERTIFICATE OF CONSULTATION

Pursuant to Local Rule 7.2(a)(1)(B), I, J. Matthew Rice, counsel for the Attorney General, certify that I conferred with D. Gill Sperlein, counsel for Plaintiffs, regarding the relief requested in the motion by email on December 30, 2024. Plaintiffs' counsel informed me that they are opposed to this motion.

/s/ J. Matthew Rice

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via the Court's electronic filing system on December 31, 2024 to all counsel of record:

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